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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA

7
8 WILLIAM HELM, *et al.* No. C 08-01184 SI

9 Plaintiffs, **ORDER RE: MOTION TO SEVER**

10 v.

11 ALDERWOODS GROUP INC., *et al.*

12 Defendants.

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14 Defendants have filed a motion to sever the claims of all of the named plaintiffs in this action,
15 and dismiss the claims of all plaintiffs but William Helm. A hearing on the motion is scheduled for
16 Friday, July 15, 2011. The Court's preliminary view is that severance is necessary; that dismissal is not
17 required by *Coughlin v. Rogers*, 130 F.3d 1348 (9th Cir. 1997), or the Federal Rules of Civil Procedure;
18 and that it would be unduly prejudicial to dismiss the severed plaintiffs' claims at this late stage of
19 litigation. Therefore, parties shall be prepared to answer the following questions at the July 15 hearing:

- 20 1. If the Court severs the claims of all plaintiffs, does the Court retain CAFA jurisdiction
21 over some or all of the claims? *See United Steel v. Shell Oil Co.*, 602 F.3d 1087 (9th Cir.
22 2010)?
- 23 2. If so, may and should the Court transfer some or all of the claims to other federal district
24 courts pursuant to 28 U.S.C. § 1404? *See Wyndham Associates v. Bintliff*, 398 F.2d 614,
25 618 (2d Cir. 1968).
- 26 3. If not, may and should the Court remand some or all of the claims to the Alameda
27 County Superior Court? May and should the Court transfer some or all of the claims to
28 other federal district courts pursuant to 28 U.S.C. § 1631?

1 The parties shall also be prepared to inform the Court of their preferred resolution, given the
2 Court's preliminary view.

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4 **IT IS SO ORDERED.**

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6 Dated: July 11, 2011

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Susan Illston

SUSAN ILLSTON
United States District Judge